

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Janet Malam,

Petitioner,

v.

Rebecca Adducci, *et al*,

Case No. 20-10829

Judith E. Levy

United States District Judge

Mag. Judge Anthony P. Patti

Respondents.

_____/

**ORDER GRANTING RUBY BRISELDA ESCOBAR AND AMER
TOMA’S MOTION TO EXPEDITE CONSIDERATION OF THEIR
MOTION TO INTERVENE [9]**

Before the Court is Ruby Briselda Escobar and Amer Toma (Movants)’s motion to expedite consideration of their motion to intervene in this case. (ECF No. 9.) On March 30, 2020, Petitioner Janet Malam filed an emergency petition challenging her mandatory detention at Calhoun County Correctional Center pursuant to 8 U.S.C. § 1226(c) because of the danger posed to her by the COVID-19 pandemic. (ECF No. 1.) Petitioner claims that her continued detention violates her Fifth Amendment rights by exposing her to unconstitutional conditions of

confinement, and she seeks habeas relief, declaratory relief, and a temporary restraining order requiring that she be immediately released from detention in light of the COVID-19 pandemic. (ECF No. 1.)

On April 2, 2020, Movants moved to intervene in Petitioner's case pursuant to Federal Rules of Civil Procedure 24(a)-(b) on the grounds that they, too, are confined at Calhoun County Correctional Center and that they, too, face an increased deadly risk of contracting COVID-19. (ECF No. 8.) Movants request only to intervene with regard the declaratory relief, and do not seek to intervene in Petitioner's TRO. Movants simultaneously requested that the Court expedite consideration of their motion because the conditions to which they have been exposed in Calhoun Correctional, combined with their heightened risk of contracting COVID-19, render time "of the essence." (ECF No. 9, PageID.156.) Specifically, Movants request that the Court schedule their motion concurrent with Petitioner's TRO hearing this afternoon, April 3, 2020 at 4pm. (*Id.*)

The Court has the authority to expedite consideration of Movants' claim pursuant to Federal Rule of Civil Procedure 6(c)(1)(c) and 28 U.S.C. 1657 ("[T]he Court shall expedite the consideration of any action . . . for

temporary or preliminary injunctive relief, or any other action if good cause therefor is shown.”). Movants have demonstrated good cause by arguing that the combination of their severe health conditions, the alleged conditions of confinement at Calhoun County, and the exponential nature of COVID-19’s growth¹ render necessary expedited consideration of this motion to intervene. *Southern Ohio Coal Co. v. Dept. of the Int.*, No. 93-3878, 1993 WL 642401, at *1 (6th Cir. Aug. 30, 1993) (granting expedited consideration of an injunctive order “due to the exigent nature of the motion”).

Accordingly, the Court will schedule a hearing on Movants’ motion to intervene at 4:45 p.m. this afternoon, April 3, 2020, after the hearing for Petitioner’s TRO. All parties shall call in with the following information:

Call Number: 1-888-363-4734

Access Code: 2541474

IT IS SO ORDERED.

Dated: April 3, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY

¹ On April 2nd, 2020 alone, there were 1,457 new cases of COVID-19 reported in the state of Michigan, with 80 new deaths, bringing the total numbers to 10,791 confirmed cases of COVID-19 and 417 confirmed deaths. *Coronavirus*, Michigan.Gov, (April 3, 2020) <https://www.michigan.gov/coronavirus/>.

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 3, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager